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**Congress of the United States**  
**House of Representatives**  
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October 25, 2016

The Honorable Loretta E. Lynch  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Attorney General Lynch:

As the Ranking Member of the House Judiciary Committee's Subcommittee on the Constitution and Civil Justice, and given that Election Day is only two weeks away, I write to you out of concern about news reports that, in light of the Supreme Court's decision in *Shelby County v. Holder*, the Department of Justice (DOJ) will be severely limiting the number of election observers that it is deploying nationally, sending observers only to those locations where judges have ordered oversight.<sup>1</sup> While I thank the DOJ for its efforts and its genuine commitment to monitoring the upcoming elections, I note that the DOJ will not be sending observers to most of the more than a dozen states that have imposed new voting restrictions that could deny the ability of some voters to exercise their right to vote.<sup>2</sup>

Although the *Shelby County* decision significantly hampered the ability to enforce the Voting Rights Act of 1965, parts of the Act remain in full force and effect. Moreover, some legal observers reportedly believe that the decision did not specifically address the DOJ's authority to send observers and, therefore, does not appear to limit DOJ's authority in that regard.<sup>3</sup>

Given that it is unclear from news reports precisely why the DOJ believed that it was required to severely limit its deployment of observers, I would appreciate an elaboration of the DOJ's

<sup>1</sup> 10/6/16 Washington Post: Justice Department significantly reducing number of federal observers stationed inside polling places, available at: [https://www.washingtonpost.com/world/national-security/justice-department-severely-curtails-election-observers-inside-polling-places-this-november/2016/10/06/dfb49caa-875a-11e6-92c2-14b64f3d453f\\_story.html](https://www.washingtonpost.com/world/national-security/justice-department-severely-curtails-election-observers-inside-polling-places-this-november/2016/10/06/dfb49caa-875a-11e6-92c2-14b64f3d453f_story.html)

<sup>2</sup> 10/6/16 Washington Post: Justice Department significantly reducing number of federal observers stationed inside polling places, available at: [https://www.washingtonpost.com/world/national-security/justice-department-severely-curtails-election-observers-inside-polling-places-this-november/2016/10/06/dfb49caa-875a-11e6-92c2-14b64f3d453f\\_story.html](https://www.washingtonpost.com/world/national-security/justice-department-severely-curtails-election-observers-inside-polling-places-this-november/2016/10/06/dfb49caa-875a-11e6-92c2-14b64f3d453f_story.html)

<sup>3</sup> 10/24/16 New York Times: Why the Justice Dept. Will Have Far Fewer Watchdogs in Polling Places, available at: [http://www.nytimes.com/2016/10/25/us/politics/why-the-justice-dept-will-have-far-fewer-watchdogs-in-polling-places.html?\\_r=0](http://www.nytimes.com/2016/10/25/us/politics/why-the-justice-dept-will-have-far-fewer-watchdogs-in-polling-places.html?_r=0)

reasoning on this matter. More importantly, I would encourage the DOJ to use all existing authority to protect voting rights to the maximum extent permitted by law.

The right to vote is absolutely central to our democracy. No American should ever be denied the ability to exercise that right based on unwarranted procedural barriers to voting or because of intimidation, discrimination, or for any other inappropriate reason. While many in Congress are doing their best to restore the Voting Rights Act to its full effectiveness, it is a constitutional and moral imperative that all branches of government, including the DOJ, do their utmost to protect citizens' access to voting.

Thank you for your consideration of this matter.

As always, I remain,

Most sincerely,



Steve Cohen  
Member of Congress